IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

APPEAL NO. 541 OF 2004
IN
WRIT PETITION NO.1654 OF 2004

1. Apollo Tyres Ltd. & Anr. Appellant

vs.

M.K. Bhuvaneshwaram Respondent

Mr.Ashok Shetty i/b. M/s.Desai & Diwanji for the appellant.

Mr.P.M. Patel for the respondent.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ

DATED : 2nd September 2004

P.C.

Heard Mr.Ashok Shetty, the learned counsel for the appellant.

2. The appeal is devoid of any merit and substance. It is true that in the contempt proceedings, the learned Single Judge accepted the calculations made by the present appellant towards the dues payable to the employee-respondent. The employee, however, did not accept the calculations submitted by the present appellant. This is apparent from paragraph 4 of the order dated 14th February 2001. In the contempt

proceedings, the learned Single Judge was only concerned with the aspect whether there was deliberate disobedience on the part of the appellant and in that background accepted the calculations submitted by it. The learned Single Judge cannot be said to be wrong in observing that the observation made in the order dated 14th February 2001 while dealing with the contempt petition did not amount to finally and conclusively determination of the amount due and payable to the workmen pursuant to the order dated 31st August 2001 passed in the earlier writ petition being writ petition no.809/1993.

3. Writ petition is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)